UNITED STATES DISTRICT COURT WESTERN DISTRICT OF PENNSYLVANIA

	X	
DUANE S. SAPAR,	:	
Plaintiff,	: :	Civil Action No. 3:17-cv-128
v.	:	Judge Kim R. Gibson
PENNSYLVANIA DEPARTMENT	:	Electronically Filed
OF MILITARY AND VETERANS	:	
AFFAIRS,	:	
	:	
Defendant.	:	
	:	
	X	

STIPULATION SELECTING ADR PROCESS

I. PROCESS

Counsel report that they have met and conferred regarding Alternative Dispute Resolution (ADR) and have reached the following stipulation pursuant to L.R. 16.2 and the Court's ADR Policies and Procedures.

Select one of the following.

Court	Processes:
	_ Mediation
	_ Early Neutral Evaluation (ENE)
	Court sponsored Binding Arbitration
	Court sponsored Non-binding Arbitration
	Private ADR (please identify process and provider)
X	Other (please identify process and provider) ENE/Mediation

^{*}If you are utilizing a private process, be advised that the case is still governed by the Court's ADR Policies and Procedures. It is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Polices and Procedures.

II. COSTS

The parties have agreed to share the ADR costs as follows (do not complete percentages for court sponsored arbitration. For that process costs are paid by the court in accordance with 28 USC §658.):

______% by Plaintiff _______% by Defendant

If a dispute arises as to compensation and costs for the mediator/neutral evaluator/private arbitrator, the Court will set reasonable compensation and costs.

III. NEUTRAL

The parties hereby designate by agreement the following individual to serve as a neutral in the above-styled action:

Name of Neutral: <u>Kenneth J. Benson, Esquire</u>

Address of Neutral: Justus ADR Services, PO Box 101824, Pittsburgh, PA 15237

Telephone & FAX Numbers: (412) 281-9112 / (866) 571-6273 Fax

Email address of Neutral: <u>JustusADR@gmail.com</u>

Date of Mediation: To be determined. The parties will file a notice of mediation once

a date is selected.

IV. PARTICIPANTS

Name of the individuals(s) who will be attending the mediation or early neutral evaluation session, **in addition to counsel**, in accordance with Section 2.7 (Attendance at Session) of the Court's ADR Policies and Procedures:

For Plaintiff(s): <u>Duane Sapar</u>
Name and title

For Defendant(s): <u>Pennsylvania DMVA</u>
Len Cowitch
Name and title

Each party certifies that the representative(s) attending the ADR session on its behalf has full and complete settlement authority, as specified in sub-section (A)(1-3) of the above section of the Court's ADR Policies and Procedures.

V. ACKNOWLEDGMENT

We, the undersigned parties to this action, declare that this stipulation is both consensual and mutual.

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Dated: 11/7/2017

s/ Joseph H. Chivers
Joseph H. Chivers, Esquire
Counsel for Plaintiff

Dated: 11/7/2017

s/ Michael E. Kennedy Michael E. Kennedy, Esquire Counsel for Defendant